

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**939 CIVIL APPLICATION NO. 803 OF 2016
IN FA/2588/2009 WITH CA/804/2016 IN
FA/2585/2009**

Gurubasappa Shivbasappa Birajdar. .. **Applicant.**

Versus

The State of Maharashtra & Anr. .. **Respondents.**

Shri. Pravin G. Patil, Advocate, for applicant.

Shri. K.N. Lokhande, Assistant Government Pleader, for
the respondent No.1.

Shri. B.R. Survase, Advocate, for respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 22nd JANUARY 2016

ORDER:

1) Heard both sides. Learned counsel for the original claimants has placed on record copy of judgment delivered by this Court, other Hon'ble judge, in First Appeal Stamp No.19707 of 2008 with connected matters. In that matter this Court held that the rate of Rs.23,000/- per acre for dry crop land given by the reference Court was the proper rate. There is some difference in the

present matter and the rate given is between Rs.30,000/- and 34,000/- per acre. In view of these circumstances, this Court holds that subject to some conditions permission can be granted to withdraw the amount.

2) In the result, both the applications are allowed. Out of total amount, 75% amount is to be given subject to giving undertaking by the applicants. The remaining 25% amount is to be given subject to giving solvent surety in respect of that amount. The applications are disposed of.

Sd/-
(T.V. NALAWADE, J.)

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